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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,386	03/30/2001	Monte J. Rhoads	42390P11045	7368
8791	7590	06/28/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,386

Applicant(s)

RHOADS, MONTE J.

Examiner

Md S. Elahee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7, 8, 12, 15, 16, 19 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 12, 15, 16, 19 and 26-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 04/17/2006. Claims 1-4, 7, 8, 12, 15, 16, 19 and 26-33 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 04/17/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 31, the phrase 'the server' on page 6, line 7 lacks sufficient antecedent basis.

### ***Claim Objections***

5. Claim 31 is objected to because of the following informalities: the phrase "network appliance" in line 2 appears to be "server". Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 12, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Akamine (U.S. Patent No. 6,629,635).

Regarding claims 12, 15, with respect to fig.2,3,5,6, Akamine teaches a method for converting wireless signals to machine-accessible information for configuring a PC (item 60, fig.2) [i.e., server], comprising:

receiving infrared signals containing the dot code [i.e., configuration information] via an infrared unit 70 (fig.3) [i.e., first interface] (col.7, lines 32-33, col.14, lines 65-67, col.15, lines 1-10, 22-48);

decoding [i.e., converting] the infrared signals to machine-accessible configuration information (abstract; col.6, lines 65-67, col.7, lines 1-31);

configuring a second interface of the server to operate based on the configuration information, wherein the second interface is capable of two way communication with a network (col.6, lines 65-67, col.7, lines 1-31, 59-67, col.8, lines 1-2);

displaying on a display of the server an indication of the configuration information of the second interface, wherein the configuration information was received via the first interface (fig.2,3; col.15, lines 22-65).

Regarding claim 16, Akamine teaches that the wireless device further comprises a device capable of generating, coding and transmitting a radio frequency signal (col.6, lines 65-67, col.7, lines 1-31, col.9, line 67-col.10, lines 2).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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10. Claims 1, 3, 4, 7, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollstrom et al. (U.S. Patent No. 6,968,365) in view of Akamine (U.S. Patent No. 6,629,635).

Regarding claim 1, with respect to fig.1,3, Hollstrom teaches a server comprising:

a network interface capable of two way communication with a network (fig.1,3);

an infrared interface to receive infrared signals that originate externally to the server and communicate user input network configuration data for the network interface (abstract; fig.1; col.3, lines 34-40, 60-64, col.4, lines 48-62);

circuitry coupled with the infrared device to receive the configuration data and enable network interface to provide network functionality based, at least in part, on the configuration data (abstract; fig.1; col.3, lines 34-40, col.4, lines 48-62);

However, Hollstrom does not specifically teach a display device, circuitry coupled with the display and the network interface to provide, in part, a confirmation display of the network interface confirmation data received through the infrared interface. Akamine teaches these limitations (fig.2,3; col.15, lines 22-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser to incorporate a display device, circuitry coupled with the display and the network interface to provide, in part, a confirmation display of the network interface confirmation data received through the infrared interface in order to provide an accuracy of the received data.

Regarding claims 3 and 28, Hollstrom teaches an Internet Protocol address (col.4, lines 48-62).

Regarding claims 4, 29, Hollstrom fails to teach “a personal digital assistant (PDA)”. Akamine teaches a personal digital assistant (PDA) (fig.20, item 200). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom to incorporate a personal digital assistant (PDA) as taught by Akamine. The motivation for the modification is to have doing so in order to have the quick access to the device.

Regarding claim 7, Hollstrom teaches the server further comprises inherently an infrared interface cover (col.4, lines 48-62).

Regarding claim 26 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Hollstrom teaches a second network interface to receive electromagnetic signals [i.e., radio frequency signals] according to a Bluetooth protocol that originate externally to the server and communicate user input network configuration data for the first network interface (abstract; fig.1; col.3, lines 34-40, col.4, lines 4-8, 48-62).

11. Claims 2 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollstrom et al. (U.S. Patent No. 6,968,365) in view of Akamine (U.S. Patent No. 6,629,635) further in view of Linares et al. (U.S. Patent No. 6,442,032).

Regarding claims 2, 27, Hollstrom in view of Akamine fails to teach “a rack-mounted server”. Linares teaches a rack-mounted module [i.e., server] (col.1, lines 56-58, col.2, lines 60-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom in view of Akamine to incorporate a rack-mounted server as

taught by Linares. The motivation for the modification is to have doing so in order to provide support guides for the module.

12. Claims 8 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollstrom et al. (U.S. Patent No. 6,968,365) in view of Akamine (U.S. Patent No. 6,629,635) further in view of Sheridan et al. (U.S. Patent No. 6,725,032).

Regarding claims 8, 30, Hollstrom in view of Akamine fails to teach “a liquid crystal display (LCD) to display an indication of the configuration data received via the wireless interface”. Sheridan teaches that a liquid crystal display (LCD) to display an indication of the configuration data received via the wireless interface (abstract; col.2, lines 41-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom in view of Akamine to incorporate a liquid crystal display (LCD) to display an indication of the configuration data received via the wireless interface as taught by Sheridan. The motivation for the modification is to have doing so in order to display the configuration information.

13. Claims 19 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akamine (U.S. Patent No. 6,629,635) in view of Hollstrom et al. (U.S. Patent No. 6,968,365).

Regarding claims 19, 33, Akamine does not specifically teach “an Internet Protocol address”. Hollstrom teaches infrared signals (col.4, lines 48-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Akamine

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to incorporate an Internet Protocol address as taught by Hollstrom. The motivation for the modification is to have doing so in order to decode the web content based on the IP address.

Regarding claim 31 is rejected for the same reasons as discussed above with respect to claim 12. Furthermore, Akamine does not specifically teach receiving radio frequency signals conforming to a Bluetooth standard via a first interface. Hollstrom teaches receiving radio frequency signals conforming to a Bluetooth standard via a first interface (fig.1; col.4, lines 4-8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Akamine to receive radio frequency signals conforming to a Bluetooth standard via a first interface as taught by Hollstrom. The motivation for the modification is to have doing so in order to provide radio frequency signal conforming to a standard for communicating over a short range.

Regarding claim 32 is rejected for the same reasons as discussed above with respect to claim 31.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Toth et al. (U.S. 7,016,882 ) teach Method and apparatus for evolutionary design.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ME  
ALAM ELAHEE  
PATENT EXAMINER  
June 22, 2006



WING CHAN  
SENIOR PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600